

REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

The undersigned gratefully acknowledges the courtesies extended by the Examiner and his supervisor during the telephone interview of June 9, 2009. The undersigned also agrees with the Interview Summary mailed by the Examiner on June 22, 2009.

With respect to the rejection of claim 20 under 35 U.S.C. §112, second paragraph, the term "xanthine derivative" has been deleted. With respect to the terms "sympathomimetic amine" and "adrenal stimulant", it is respectfully submitted that one of skill in the art would immediately recognize compounds that fall within the scope of these classes of compounds. The term "sympathomimetic amine" defines an agent that evokes responses similar to those produced by adrenergic nerve activity.

The term "adrenal stimulant" is also a term which is very commonly used in medicine and would be easily recognized by one of skill in the art.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

Claims 20-21 and 23 were rejected under 35 U.S.C. §103(a) over Ehinger and Winget. Claims 1-4, 6, 8-13, 15, 17-18 and 22 were rejected under 35 U.S.C. §103(a) over Ehinger. Claims 1-4, 6, 8-13, 15, 17-18 and 22 were rejected under 35 U.S.C. §103(a) over Baumer. These claims were also rejected for allegedly being obvious over Hofgen. Applicants respectfully traverse each of these rejections.

A skilled artisan would not have considered the administration of AWD 12-281 for the first time after the allergic challenge since the skilled person knew already that other PDE4

inhibitors such as cilomilast do not show any effect if these are administered only once after the allergic challenge.

The Examiner alleges that it is irrelevant that cilomilast does not show any effect since cilomilast has a structure that differs from AWD 12-281. Applicants respectfully disagree with the Examiner. Although AWD 12-281 and cilomilast have different structures, these compounds have, in general, the same functional properties, i.e., both inhibit the PDE4 activity which is connected with allergic skin diseases.

Furthermore, other PDE4 inhibitors besides cilomilast are not effective for the treatment of allergic skin diseases if these are solely administered after the allergic challenge. Therefore, the skilled artisan would have expected that AWD 12-281 shows the same properties, irrespective of its chemical structure.

Consequently, in view of the state of the art at the time of the present invention, the skilled artisan would not have had any motivation to administer AWD 12-281 solely after the allergic challenge.

Applicants reiterate that Ehinger only disclose the use of AWD 12-281 after an allergic challenge in addition to the treatment with AWD 12-281 before an allergic challenge.

Claim 20 differs from Ehinger with respect to at least two features. Firstly, Ehinger does not disclose the use of a pharmaceutical combination, i.e. of a corticosteroid in combination with AWD 12-281, but only the use of AWD 12-281 alone. Furthermore, since claim 20 refers back to claim 1, the combination is only administered for the first time after an allergic challenge.

Winget neither teaches or suggests these features nor does Winget suggest any of these features. Winget only disclose that corticosteroids are known for treatment of atopic dermatitis

of dogs. Consequently, if the skilled artisan had combined the teachings of Ehinger and Winget he would not have arrived at the subject-matter of claims 20-21 and 23.

Thus, these obviousness rejection must be withdrawn.

Claims 1-4, 6, 8-13 and 17-18 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 27-29, 36-38 and 69-84 of copending U.S. Patent Application 10/856,034. Applicants respectfully traverse.

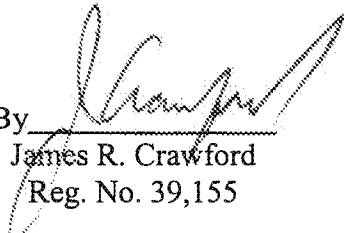
It is respectfully submitted that the presently pending claims sufficiently differ from the claims of the application with the serial no. 10/856,034. In particular, in the application no. 10/856,034 the administration of AWD 12-281 solely for the first time after an allergic challenge is not disclosed.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR-1221-US.

Respectfully submitted

FULBRIGHT & JAWORSKI L.L.P.

By 
James R. Crawford
Reg. No. 39,155

666 Fifth Avenue
New York, New York 10103
(212) 318-3148